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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. CR 20-0090 RS
)	
Plaintiff,)	STIPULATION REGARDING BRIEFING
)	SCHEDULE, REQUEST TO VACATE
v.)	STATUS CONFERENCE, EXCLUSION OF
)	TIME AND ORDER
SHAWN NIMAU,)	
)	
Defendant.)	
)	

Counsel for Mr. Nimau intends to file a motion to suppress. Counsel for the United States and counsel for Mr. Nimau now jointly propose a tentative date for hearing on the motion to suppress (if necessary) and briefing schedule. Additionally, counsel request that the upcoming December 15, 2020 status conference be vacated in light of the briefing schedule and requested hearing date. Counsel further submit that good cause exists to exclude time under the Speedy Trial Act for effective preparation of counsel.

To the extent necessary based on the briefing, counsel request that the hearing on the motion to suppress be held on March 9, 2021 at 2:00 p.m.. Based on the March 9, 2021 hearing date, counsel propose the following briefing schedule:

STIPULATION REGARDING BRIEFING SCHEDULE, REQUEST TO VACATE STATUS CONFERENCE,
EXCLUSION OF TIME AND [PROPOSED] ORDER

- January 19, 2021—Defense opening brief due
- February 9, 2021—Government opposition brief due
- February 16, 2021—Defense reply brief due
- February 23, 2021—Optional Government sur-reply brief due
- March 9, 2021 Hearing on Motion to Suppress

In light of the proposed briefing schedule and requested March 9, 2021 hearing date, the parties request that the Court vacate the currently set December 15, 2020 status conference.

It is further hereby stipulated by and between counsel for the United States and counsel for the defendant Shawn Nimau that time be excluded under the Speedy Trial Act from December 15, 2020—the date to which time had previously been excluded—until March 9, 2021. The parties stipulate and agree that excluding time until March 9, 2021 will allow for the effective preparation of counsel based on review of discovery and preparation of the motion. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by excluding the time from December 15, 2020 through March 9, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv). Time is also properly excludable upon filing of the defense motion until the date of the hearing on the motion. 18 U.S.C. § 3161(h)(1)(D) (providing for exclusion of time upon filing of pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion).

The undersigned Assistant United States Attorney certifies that he has obtained approval from counsel for the defendant to file this stipulation and proposed order.

IT IS SO STIPULATED.

DATED: 12/11/2020

/s/
CHRISTOFFER LEE
Assistant United States Attorney

DATED: 12/11/2020

/s/
PAUL DEMEESTER
Counsel for Defendant Shawn Nimau

ORDER

Based upon the facts set forth in the stipulation of the parties, and for good cause shown, the Court orders the following:

1. The December 15, 2020 status conference is VACATED;
2. The next court date is RESET to March 9, 2021 at 2:30 p.m. for a hearing on the motion unless vacated or otherwise directed by the Court;
3. The parties shall file their respective submissions consistent with the below:
 - a. January 19, 2021—Defense opening brief due
 - b. February 9, 2021—Government opposition brief due
 - c. February 16, 2021—Defense reply brief due
 - d. February 23, 2021—Optional Government sur-reply brief due
4. The Court FINDS that failing to exclude time from December 15, 2020 through March 9, 2021 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from December 15, 2020 through March 9, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from December 15, 2020 through March 9, 2021 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

IT IS SO ORDERED.

DATED: December 11, 2020


 RICHARD SEEBORG
 United States District Judge